

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Request for Review of the Decision of the)	
Universal Service Administrative Company)	
by)	
)	
Preston County School District)	File No. SLD-220673
Kingwood, West Virginia)	
)	
Federal-State Joint Board on Universal)	CC Docket No. 96-45
Service)	
)	
Changes to the Board of Directors of the)	CC Docket No. 97-21
National Exchange Carrier Association, Inc.)	

ORDER

Adopted: February 20, 2002

Released: February 21, 2002

By the Accounting Policy Division, Common Carrier Bureau:

1. The Accounting Policy Division has under consideration a Request for Review filed on behalf of Preston County School District (Preston), Kingwood, West Virginia.¹ Preston seeks review of a decision by the Schools and Libraries Division (SLD) of the Universal Service Administrative Company to reject Preston's application as failing to meet SLD's minimum processing standards because the application did not bear a valid signature.² For the reasons set forth below, we grant Preston's appeal and remand its application to SLD for further processing.

2. Under the schools and libraries universal service support mechanism, eligible schools, libraries, and consortia that include eligible schools and libraries, may apply for discounts for eligible telecommunications services, Internet access, and internal connections.³ In order to receive discounts on eligible services, the Commission's rules require that the applicant submit to the Administrator a completed FCC Form 470, in which the applicant sets forth its

¹ Letter from Nathaniel Hawthorne to Federal Communications Commission, filed March 26, 2001 (Request for Review).

² See Request for Review. Section 54.719(c) of the Commission's rules provides that any person aggrieved by an action taken by a division of the Administrator may seek review from the Commission. 47 C.F.R. § 54.719(c).

³ 47 C.F.R. §§ 54.502, 54.503.

technological needs and the services for which it seeks discounts.⁴ Once the applicant has complied with the Commission's competitive bidding requirements and entered into agreements for eligible services, it must file an FCC Form 471 application to notify the Administrator of the services that have been ordered, the carriers with whom the applicant has entered into an agreement, and an estimate of funds needed to cover the discounts to be given for eligible services.⁵

3. The FCC Form 471 must bear an original signature of a person authorized to submit the form on behalf of the applicant.⁶ Applications filed during the filing window prescribed in section 54.507(c) of the Commission's rules are deemed simultaneously filed and are prioritized according to the rules set forth in section 54.507(g) of the Commission's rules.⁷ The filing window for the 2001-2002 funding year (FY 4) opened on November 6, 2000, and closed on January 18, 2001.⁸

4. Preston filed a FCC Form 471 requesting support for discounted services for Year 4 on January 19, 2001.⁹ The postmark on the application indicated that it had been mailed on January 18, 2001, therefore, it was considered received inside the filing window.¹⁰ On February 26, 2001, SLD returned the FCC Form 471 to Preston, stating that Preston's application failed to meet SLD's minimum processing standards because the signature was either a stamp or copy, instead of an original signature.¹¹

⁴ 47 C.F.R. § 54.504 (b)(1), (b)(3).

⁵ 47 C.F.R. § 54.504(c).

⁶ See Schools and Libraries Universal Service, Services Ordered and Certification Form, OMB 3060-0806 (October 2000) (FCC Form 471).

⁷ 47 C.F.R. § 54.507(c), (g).

⁸ See SLD web site, Tips for Completing Your Form 471, <http://www.sl.universalservice.org/reference/471Tips.asp> (SLD Form 471 Tips). Under the Commission's rules, SLD is authorized to establish and implement filing periods for FCC Form 471 applications by schools and libraries seeking to receive discounts for eligible services. 47 C.F.R. § 54.507(c).

⁹ FCC Form 471, Preston County Schools, Kingwood, West Virginia, filed January 19, 2001 (Preston Form 471).

¹⁰ See Preston Form 471; SLD Form 471 Tips.

¹¹ Letter from the Schools and Libraries Division, Universal Service Administrative Corporation to Paul Karas, Preston County School District, dated February 26, 2001. Every funding year, SLD establishes and notifies applicants of a "minimum processing standard" to facilitate the efficient review of the thousands of applications requesting funding. See, e.g., SLD website, Form 471 Minimum Processing Standards and Filing Requirements for FY 4, <http://www.sl.universalservice.org/reference/471mps.asp>. When an applicant submits an FCC Form 471 that omits an item subject to a minimum processing standard, SLD automatically rejects the application and returns it to the applicant.

5. In its request for review, Preston contends that its initial FCC Form 471 had an original signature and that SLD, therefore, erroneously rejected its application.¹² Preston provides a sworn affidavit from John Lofink, the individual who executed the signature on the FCC Form 471.¹³ In the affidavit, Lofink declares that his signature on the FCC Form 471 is his original signature and is not a stamp or copy.¹⁴ Preston also encloses its original FCC Form 471, which SLD returned to Preston, for our examination.¹⁵

6. After review of the record, we find that SLD improperly concluded that Preston's FCC Form 471 failed to meet minimum processing standards. The Common Carrier Bureau recently determined that a photocopied or stamped signature made with the intent to certify an application constitutes a valid signature certification under FCC rules.¹⁶ We believe that the signature on Block 6 of Preston's FCC Form 471 established its intent to be bound by program rules and consequently satisfied minimum processing standards. Furthermore, we note that it is not necessary for us to determine whether the application bore an original, ink signature because even if the signature was a photocopy or stamp, Preston's application should not have been rejected. Therefore, we grant Preston's Request for Review and instruct SLD to process Preston's application.

7. ACCORDINGLY, IT IS ORDERED, pursuant to authority delegated under sections 0.91, 0.291, and 54.722(a) of the Commission's rules, 47 C.F.R. §§ 0.91, 0.291, and 54.722(a), that the Request for Review filed by Preston County Schools, Kingwood, West Virginia, on March 26, 2001, IS GRANTED and that Preston's application IS REMANDED to SLD for further consideration in light of this decision.

FEDERAL COMMUNICATIONS COMMISSION

Mark G. Seifert
Deputy Chief, Accounting Policy Division
Common Carrier Bureau

¹² See Request for Review.

¹³ *Id.*

¹⁴ *Id.*

¹⁵ *Id.*

¹⁶ *Request for Review by New Hartford Central School District, Federal-State Joint Board on Universal Service, Changes to the Board of Directors of the National Exchange Carrier Association, Inc.*, File No. SLD-007628, CC Docket Nos. 96-45 and 97-21, Order, DA 01-2536 (Com. Car. Bur. rel. November 2, 2001).